

REMARKS

Claims 1 to 9 and 11 were pending in the application at the time of examination. Claims 1 to 3, 5, 6 and 11 stand rejected as anticipated. Claims 7 to 9 stand rejected as obvious. No rejection of Claim 4 was presented.

To avoid discussions on whether Applicants are requesting limitations to be read from the specification into the claims, Applicants have amended Claims 1 to 4, 6 to 9 and 11 to make explicit what was implicit in the claims. The amendments are supported, for example, at least by Fig. 7.

Claims 1 to 3, 5, 6 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,484,260 of Scott et al., hereinafter referred to as "Scott."

The rejection stated:

As per claims 1-3, 5-6 and 11, '260 teaches a method and apparatus for security in a data processing system comprising: privacy protection, identification, enrolling for a service, a randomized identifier, a communication network, a storage device, a smart card/PID, authority ID/content provider, network servers, cryptograms/keys, credential data, credential request, verification, peer group/trusted third party server, and service provider, see figs 1-3, 4A, 7-8, abs., summary, col. 6, and col. 10-11.

Applicants respectfully traverse the anticipation rejection of Claim 1. Applicants respectfully note that it is not enough that Scott teach generally the list of items cited in the rejection, rather the MPEP requires:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." . . . "The identical invention must be shown in as complete detail as is contained in the . . . claim."

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

MPEP § 2131, 8th Ed. Rev. 5, p. 2100-67 (August 2006). The MPEP is unequivocal, Scott must show the invention in the same detail as recited in Claim 1 and Scott must show the elements arranged as required by Claim 1. Scott fails to meet both of these requirements.

While Scott does describe generation of a large random number at Col. 11, line 66, for example, the process of Scott is fundamentally different from that recited in Claim 1. Scott first taught that it was necessary for a user to enroll with the PID. See Scott, Col. 9, line 54 to Col. 10, line 5. This enrollment is not with an authority over a data communications network as recited in Claim 1. The enrollment taught by Scott generates a fingerprint template and not a randomized ID as recited in Claim 1. Therefore, Scott expressly considered enrollment of a user and it was a fundamentally different process from that recited in Claim 1.

Scott also described registration with a host facility. Assuming the Office redefines the registration of Scott as enrollment, despite the fact that Scott described explicitly what constituted enrollment, Scott taught with respect to registration:

If a host system 30, such as a bank, a store, or a credit card company, implements this system, it would have the users register by presenting themselves with their PID 6 and the required personal identification papers, which is no different than current methods of obtaining a bank card to access accounts with an ATM. The bank or other host system 30 would ask the user to complete a verify on their PID 6 and read the ID code and test the send and receive of the encryption codes. This would establish the public key with the bank and confirm the private key in PID 6. The user is now ready to use the system. Note that

the bank does not have the user's fingerprint template--it only has the ID code and the public encryption key.
(Emphasis Added.)

Scott, Col. 11, lines 46 to 58. This registration process of Scott does not use a randomized ID and is not performed over a data communications network. The user was required to present themselves at the service provider. Thus, neither the enrollment nor registration processes of Scott teach the enrolling of Claim 1. Accordingly, Scott fails to teach the invention of Claim 1 as required by the MPEP.

The random number generated by Scott is part of a verification process, i.e., Scott stated "After the user registers, verification is as described above." Scott, Col. 60, line 60. This verification process is performed by the host system, bank, store, etc. Scott expressly taught an enrollment process and a registration process that teaches away from the enrollment of Claim 1. In addition, Scott distinguishes between enrollment, registration and verification. Accordingly, citing to part of a verification process, as in the rejection of Claim 1, fails to teach anything concerning enrolling. Further, the verification process is done by the provider of the service and not an authority as recited in Claim 1. Accordingly, Scott fails to teach or suggest the invention of Claim 1 at multiple levels. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 1.

Claims 2 and 3 include limitations similar to those described above with respect to Claim 1. Accordingly, the above comments with respect to Claim 1 are applicable to each of these claims and so are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 2 and 3.

As noted above there is no substantive rejection of Claim 4 in the action.

With respect to the anticipation rejection of Claim 5,
Claim 5 recites in part:

credential data;
an authority peer group ID that identifies an entity that provided data authentication for said credential, said entity comprising a one or more network servers in a data communications network, one of said one or more network servers providing data authentication for said credential; and
a cryptogram provided by said entity and used to authenticate said credential data.

To anticipate Claim 5, Scott must include a teaching of a structure that includes this information in the same level of detail as recited in the claim according to the above quotation from the MPEP. Scott taught:

The memory in the smart card stores a fingerprint template representative of the fingerprint of an enrolled person, and an ID code and a personal encryption key being associated with the device

Scott, Col. 2, lines 56 to 59.

Memory 20 stores information that is specific to processing unit 16. Memory 20 stores an ID code that is set in PID 6 by the manufacturer. The ID code of a device, which may be the device serial number, is unique to each device. Memory 20 also stores a fingerprint template that is generated by processing unit 16 from a fingerprint image signal provided by optics 12 unit when an individual first enrolls into PID 6, as will be described in detail below.

Scott, Col. 6, lines 54 to 61.

Thus, Scott taught that the ID stored is not "an authority peer group ID," but rather an ID code of the device. If the Examiner continues the rejection, the Examiner is respectfully requested to cite with specificity what is considered the credential data, the authority peer group ID, and the

cryptogram in view of the above quoted teachings of Scott. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 5.

Applicants respectfully traverse the anticipation rejection of Claim 6. The comments above with respect to a randomized identifier are incorporated herein by reference. Further, the rejection has failed to cite any teaching of

said credential comprising:
a randomized identifier;
credential user data; and
an indication of the credential user data verification performed by said authority in response to said credential request.

The enrollment and registration processes of Scott are not done with an authority over a data communication networks as noted above and incorporated herein by reference. The randomized number generated by Scott in the verification is not part of a credential provided by such an authority. Therefore, Scott fails to teach the invention in the same level of detail as recited in Claim 6. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 6.

Applicants respectfully traverse the anticipation rejection of Claim 11. Scott taught that the public encryption key for the device could be provided to trusted third parties. The third party provides the public key for the device, but Scott fails to teach anything concerning verifying the enrollment. Claim 11 recites in part:

. . . said service provider capable of communicating with said enrollment authority to verify said enrollment results, said service provider configured to provide said service based upon said enrollment results and a response from said enrollment authority (Emphasis added)

The rejection has failed to cite any teaching of a service provider that is capable of communicating with an enrollment authority and that can provide a service based on a response from the enrollment authority and the enrollment results. Scott makes a point of saying that the enrollment results are not disclosed and remain on the user device. Obtaining a public key for a device fails to teach the service provider in the same level of detail as recited in Claim 11. Accordingly, the rejection fails to demonstrate that the reference teaches the invention in the same level of detail as recited in Claim 11. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 11.

Claims 7 to 9 stand rejected under 35 U.S.C. s 103(a) as being unpatentable over Scott in view of U.S. Patent Application Publication No. 2003/0039361 of Hawkes et al., hereinafter '361.

Applicants respectfully traverse the obviousness of Claims 7 to 9. Applicants note that in relying upon '361, the Examiner provided parallel cites to the earlier '591 publication (U.S. Patent Application Publication No. 2002/0141591 A1).

Assuming that the kerberos ticket of the secondary reference is implemented in Scott in conjunction with the random number, this combination fails to teach or suggest the authority or the service provider of Claim 7 and the operations with these entities. As noted above, the random ID is not provided by authority, but rather the host from which services are being sought. Therefore, assuming the combination of references is correct, the combination fails to suggest the invention of Claim 7. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claim 7.

Claims 8 and 9 include limitations similar to those described above with respect to Claim 7. Accordingly, the

above comments with respect to Claim 7 are applicable to each of these claims and so are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 8 and 9.

Claims 1 to 9 and 11 remain in the application. Claims 1 to 4, 6 to 9 and 11 have been amended. Claim 10 has been cancelled. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 9, 2007.



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February 9, 2007
Date of Signature

Respectfully submitted,



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